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ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO  
PROPOSED AND INITIATED BY \_\_\_\_\_  
MOVED BY Perea SECONDED BY Brand

BILL NO. B-31

ORDINANCE NO. 2009-31

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF FRESNO HERETOFORE ADOPTED BY ARTICLES 1 TO 4.5 INCLUSIVE, CHAPTER 12, OF THE FRESNO MUNICIPAL CODE, BEING THE ZONING ORDINANCE OF THE CITY OF FRESNO

WHEREAS, Rezone Application No. R-09-07 has been filed by the City of Fresno, applicant, to rezone property as described hereinbelow; and,

WHEREAS, the District 1 Plan Implementation Committee recommended approval of the proposed project on June 9, 2009; and,

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, of the Fresno Municipal Code the Planning Commission of the City of Fresno held a public hearing on the 1st day of July 2009, to consider Rezone Application No. R-09-07 and related Environmental Assessment No. R-09-07, during which the Commission recommended to the Council of the City of Fresno approval of the subject environmental assessment and rezone application amending the City's Zoning Ordinance on real property described hereinbelow from the RR (County) zone district to the R-1/UGM/ANX (Single Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay) and R-2/UGM/ANX (Low Density Multiple Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay) zone districts; and,

Adopted 7/30/09  
Approved 7/30/09  
Effective See Sec. 5

2009-31



WHEREAS, the Council of the City of Fresno, on the 30th day of July 2009, received the recommendation of the Fresno City Planning Commission.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the adoption of the proposed rezoning is in the best interest of the City of Fresno. The Council finds in accordance with its own independent judgment that there is no substantial evidence in the record that the rezoning may have additional significant effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR") and that no new or additional mitigation measures or alternatives may be required. Pursuant to Public Resources Code, Section 21157.6(b)(1), Council further finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete has become available. Accordingly, Environmental Assessment No. R-09-07 which is a Finding of Conformity with the MEIR, is hereby approved.

SECTION 2. The Council finds the requested R-1/UGM/ANX (*Single Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone district and the R-2/UGM/ANX (*Low Density Multiple Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone district are consistent with the existing medium density residential and medium high density residential planned land use designations, respectively, of the West Area Community Plan and the 2025 Fresno General Plan, as specified in Section 12-403-B of the Fresno Municipal Code.

SECTION 3. The Council finds that the zone district of the real property described hereinbelow, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, is reclassified from the RR (*County*) zone district to the R-1/UGM/ANX (*Single Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone district.



That portion of the Southeast quarter of the Southeast quarter of Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

The South 150 feet of the East 215 feet of the North half of the North half of the South half of the East half of the East half of the Southeast quarter of Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, according to the official plat thereof.

SECTION 4. The Council finds that the zone district of the real property described hereinbelow, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, is reclassified from the RR (*County*) zone district to the R-2/UGM/ANX (*Low Density Multiple Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone district.

Parcel 1

That portion of the Southwest quarter of the Southeast quarter of Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

The North 682 feet of the West 228 feet of the following described parcel of land:

The South  $\frac{3}{4}$  of the Southwest quarter of the Southeast quarter of Section 16, Township 13, South, Range 19 East, Mount Diablo base and meridian;

EXCEPTING THEREFROM the North 474 feet thereof.

Parcel 2

That portion of the Southwest quarter of the Southeast quarter of Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

Beginning at a point which is 187 feet South of the Northwest corner of the South three quarters of the West half of the Southwest quarter of the Southeast quarter of said Section 16; thence running South along with the West line of the Southwest quarter of the Southeast quarter 287 feet; thence East parallel to the North line of said Southwest quarter of the Southeast quarter 440 feet; thence North parallel with the West line 287 feet to point that is South 187 feet from the North line of the South three quarters of the Southwest quarter of the Southeast quarter; thence West 440 feet more or less to the point of beginning.

SECTION 5. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage and upon annexation of the subject property to the City of Fresno.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF FRESNO )  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 30th day of July, 2009, by the following vote:

Ayes: Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling  
Noes: None  
Absent: None  
Abstain: None

REBECCA E. KLISCH  
City Clerk

By Rebecca E. Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
City Attorney

By: [Signature]  
Kathryn Phelan, Deputy  
7/20/09

Rezone Application No. R-09-07  
Filed by the City of Fresno  
Assessor Parcel No. 512-070-6, 16, 35